



University  
Centre  
Somerset

Part of Bridgwater & Taunton College

# HIGHER EDUCATION

## COMPLAINTS POLICY & PROCEDURE

**Effective from July 2020**

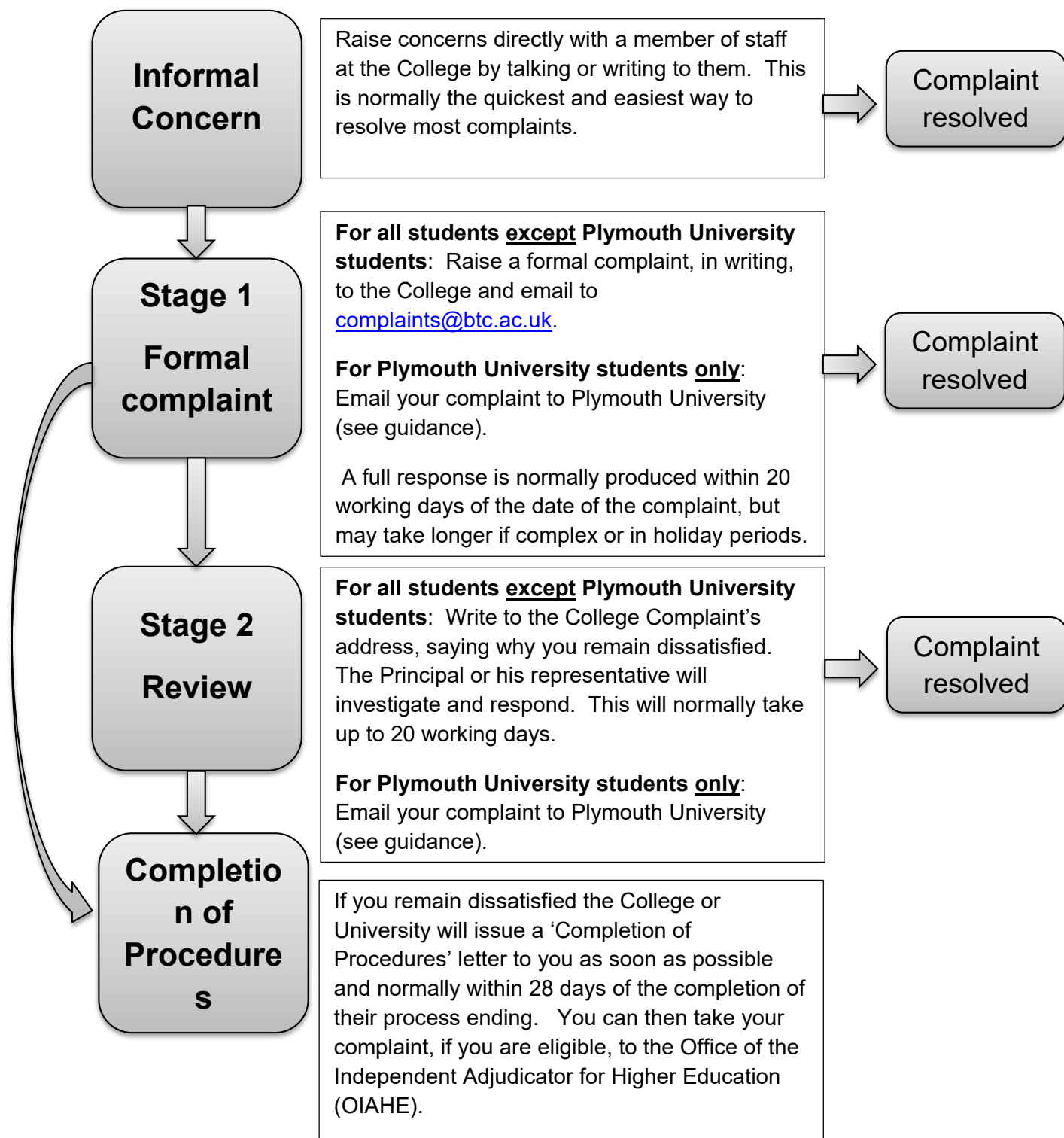
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## Complaints procedure for Higher Education Student Complaints



### University partner complaints information and responsibilities checklist

The table below gives an overview of the nature of partnership agreement between the College and each of its university partners, the roles and responsibilities of each party and the location of their complaints procedures:

University Partner/ Awarding Body	Overview of the process	Location of university partner complaints policy
<b>Plymouth University</b>	The College may resolve the complaint informally. If this is not possible and the complaint becomes formal you must complete their 'Formal Complaint Form' (contained in their policy) and email it to the University at <a href="mailto:complaints@plymouth.ac.uk">complaints@plymouth.ac.uk</a> . The University will work with the College for Stage 2 of their policy to enable the investigation of and response to the complaint.	<a href="http://www.plymouth.ac.uk/student-life/your-studies/essential-information/complaints-appeals">www.plymouth.ac.uk/student-life/your-studies/essential-information/complaints-appeals</a>
<b>Oxford Brookes University</b>	The College's HE Complaints process is used in the first instance. Once the College's policy is exhausted you can then complain to the University via their 'Collaborative Provision' process. You will normally need to do this within 10 days of the date of the College's final response. Please ensure you make yourself familiar with what the University will consider and what they will not consider before taking a complaint to them.	<a href="http://www.brookes.ac.uk/regulations/">www.brookes.ac.uk/regulations/</a> (see Section C for full policy)  <a href="http://www.brookes.ac.uk/students/sirt/student-complaints/">www.brookes.ac.uk/students/sirt/student-complaints/</a> (Guidance for students)
<b>The Open University (OU)</b>	The College's HE Complaints process is used in the first instance. If this has been exhausted, and the complaint is directly related to the academic standards of the OU validated programme on which you are studying, then you can complain to the Open University by submitting a formal complaint as soon as possible and within three months of the outcome of the College's processes. If the complaint is not related to academic standards the OU may pass your complaint back to the College or you may go straight to the Office of the Independent Adjudicator (OIA).	On the Open University Validated Awards website in the 'Handbook for Validated Awards': <a href="http://www.open.ac.uk/cicp/main/sites/www.open.ac.uk.cicp.main/files/files/Handbook%20for%20Validated%20Awards%202019-2020%20FINAL.pdf">www.open.ac.uk/cicp/main/sites/www.open.ac.uk.cicp.main/files/files/Handbook%20for%20Validated%20Awards%202019-2020%20FINAL.pdf</a> (Page 129 of the 2019-20 Handbook)
<b>University of the West of England (UWE)</b>	The College's own process is used in the first instance. Once the College's policy is exhausted you can then move to Stage Three of UWE's Complaints Procedure.	<a href="http://www1.uwe.ac.uk/about/contactus/complaints.aspx">www1.uwe.ac.uk/about/contactus/complaints.aspx</a> (General overview) <a href="http://www1.uwe.ac.uk/about/contactus/complaints/submittin_gacomplaint/stagethreecomplaints.aspx">www1.uwe.ac.uk/about/contactus/complaints/submittin_gacomplaint/stagethreecomplaints.aspx</a> (Stage 3 of their Complaints Policy)
<b>Pearson (Edexcel)</b>	The College's own process is used in the first instance. Once the College's policy is exhausted then you can refer your complaint to Pearson. The College must send any documents, regarding unresolved complaints, to Pearson within 28 days of Stage 2 concluding.	<a href="http://qualifications.pearson.com/en/support/contact-us/feedback-and-complaints.html">qualifications.pearson.com/en/support/contact-us/feedback-and-complaints.html</a>

**1. Who can use this higher education complaints policy?**

This policy is applicable to all students who are enrolled, or who have been recently enrolled (up to 3 months following graduation or earlier withdrawal), on a higher education programme (defined as level 4+) with one of the College's University Partners or on a Higher National Certificate/Diploma qualification. All other programmes that are level 4+ but do not fall into this definition should be referred to the College's standard Complaints Policy.

**2. Do I complain to the College or to my University partner/awarding body?**

In most circumstances you should raise your complaint with the College at the earliest opportunity, to the member of staff it concerns by talking or writing to them. This may mean the issue can be addressed quickly without the need for a formal process. If you do wish to complain formally then it will depend on which University partner you are enrolled with as to the process you then follow. Please see the 'University partner complaints information and responsibilities checklist' within this document for further information.

Normally you will complain to the College in the first instance and then to the University/awarding body if you remain dissatisfied and all steps of the College's process have been exhausted.

**3. What is considered as a complaint about higher education at the College?**

The College defines a complaint as an instance when a student, or a group of students, formally raises (normally in writing) their dissatisfaction with the experience they have received. This experience can relate to the academic experience or the general experience with resources, facilities or staff.

Below are examples of what type of complaint is covered by this process:

- Poor teaching or support
- Misleading information that has impacted negatively on a student
- A failing in a service, facilities or resources provided by the College
- The behaviour of a member of the College's staff

Students linked with a partner university need to use the College's HE Student Complaints process in the first instance, full details about the agreement and use of the complaints process with each of the College's partners is described in the responsibilities checklist provided at the start of this document.

Depending on the nature of the complaint it may not always be eligible to elevate it to your partner university/awarding body. If the complaint is complicated or it is unclear the College will always consult with your partner university/awarding body to ensure they are fully aware of the situation and are able to support and advise throughout the process as necessary.

**4. What is not a complaint in higher education at the College?**

A complaint is not accepted regarding decisions made by an academic body, for example an Assessment/Exam Board. If a student wishes to raise a grievance in that context, then an academic appeal needs to be lodged within the appropriate timescales. The process for doing this will vary depending on the programme the student is enrolled on

but full details can be found in the HE Academic Appeals Policy or further guidance can be sought from the HE Team via [HE@btc.ac.uk](mailto:HE@btc.ac.uk)

Complaints made concerning the services provided by partner universities or other external bodies may not be in scope for this process and should be directed to the institution/company in question directly. However, the College is always happy to advise if it is unclear, just contact the HE Team as above.

The College will also not accept complaints that are, or are subsequently found to be:

- Unfounded or trivial in nature
- Malicious (with vindictive motivation) or vexatious
- Put forward by someone other than a student enrolled, or recently enrolled, on a prescribed higher education programme and claiming to be representing a student without their permission.
- Submitted by a student who is also a member of staff and relate to issues of their employment. Such issues are not eligible for investigation under this policy and should be pursued through normal staff channels. However, if there is a genuine complaint concerning their studies then this will be valid.

## **5. Policy statement**

### **5.1 Introduction**

The College is committed to ensuring a high-quality experience for its students. Unfortunately, there may be instances when students feel that their experience has been less than satisfactory. It is expected that students and staff will make reasonable attempts to rectify the issue as early and as quickly as possible. However, this is not always possible and is why the College has a formal complaints process to meet the specific needs of higher education students, its university partners and external agencies who monitor the quality of higher education.

### **5.2 Aims**

The College aims, through this process to produce outcomes to complaints raised by higher education students that are fair, timely, and respectful. The College aims to ensure it aligns with guidance given by the Office of the Independent Adjudicator for Higher Education (OIAHE), the Competition and Markets Authority (CMA) and other external parties in how to address complaints and the content of complaints made by higher education students.

### **5.3 Purpose**

The purpose of the policy is to provide a definitive transparent policy and clear, detailed procedural guidance on complaints raised by higher education students for staff and students to work with during the process of a complaint being made.

### **5.4 Scope**

This policy is to be operated across the entire College, by all Areas, support or curriculum. Further support or advice can be sought from the HE Team.

## **5.5 Publication**

To ensure information contained within this document is easily accessible to students and staff, this policy, or excerpts from it/reference to it, will be published as follows:

- Website
- VLE (for HE students)
- SharePoint (Higher Education, for staff)
- Student Handbooks
- Induction/welcome events for students and staff
- Training events/meetings for staff

## **5.6 Review and evaluation**

This policy will be reviewed regularly (normally annually) by the HE Team in line with the latest professional and sector guidance available to ensure it remains robust and relevant to external expectations.

The operation of the policy will be evaluated on an annual basis as part of the on-going quality improvement and enhancement approaches by the College. Changes made to the policy will be informed by the evaluation. The evaluation will be presented to and the Senate. Any changes made approved by the Senior Management Team (SMT).

## **6. General principles**

### **6.1 Approach**

Complaints will be dealt with efficiently and effectively.

The procedure will provide a clear and accessible route for complaints and will be transparent and well publicised.

The College is committed to responding in a timely manner, adhering to the published or agreed timeframes and to do so consistently.

The complaints procedure will observe the principles of fairness and impartiality.

Complainants will not suffer any disadvantage or recrimination as the result of making a complaint in good faith.

### **6.2 Confidentiality**

All complaints are handled in accordance with current Data Protection legislation and good practice guidance. Information, documents or other information relating to a complaint, investigation or resolution of a complaint will be treated in confidence and shall be disclosed only to those persons involved with the complaint. An exception to this is where disclosure is necessary to progress the complaint or take action as a result of the outcome of the complaint or where there is a safeguarding issue concerning other students.



### **6.3 Complaints about members of staff**

Complaints about members of staff at the College can be difficult to handle for both the student and the College. The College will always seek to maintain confidentiality, as previously described, and as such will try to, wherever possible, appoint individuals who (as far as possible) are independent of the complaint and staff involved. Complaints about staff members may result in the College exercising other internal staffing related policies.

### **6.4 Anonymous complaints**

Students should be assured that their complaint will remain confidential and that they will not be disadvantaged or subject to recrimination as a result of submitting a formal complaint and should therefore not feel the need to submit an anonymous complaint. Anonymous complaints can be difficult to investigate and substantiate evidence for, and therefore risk not qualifying for this complaints process. If this is the case, and the College has a means of contacting the complainant(s) then the reasons why will be explained. If there is no means of contact and no compelling evidence to investigate it may not be possible to respond. However, where an anonymous complaint is lodged and where there is compelling evidence for the College to pursue the complaint, then the College will operate this policy.

### **6.5 Group complaints**

Complaints submitted by a group (two or more students) and that meet the eligibility criteria for this process are acceptable. However, to ensure communications between the College and the complainants are consistent, timely and effective the College will request groups to nominate a single representative from the group. The College will then only liaise with that representative and will expect them to communicate with the rest of the group.

### **6.6 Complaints involving external organisations or contractors**

Complaints concerning external organisations or contractors that hold a contract to provide a service to the College should normally complain directly to that organisation unless the issue has directly impacted upon their learning experience with the College. It can be difficult to discern in some cases and the College is always happy to advise how to proceed.

### **6.7 Malicious or vexatious complaints**

Malicious or vexatious complaints include (but are not limited to) the following:

- Obsessive, harassing or repetitive
- Have insistent unrealistic expectations of the process and outcomes
- Designed to cause distress or disruption
- Demand redress which lack any serious value or purpose

If the College finds a complaint to be malicious or vexatious it will either not proceed with the complaints process or will terminate the process if it is already underway. The College will explain their reasons for doing so, in writing, to the complainant(s). The complainant(s) may seek a formal review of their complaint if there is any further credible evidence submitted in a non-vexatious or non-malicious way.

An outcome of the College rejecting a malicious or vexatious complaint may be that the student(s) is subject to the College's disciplinary procedure. The complainant(s) will be written to explaining this.

## **6.8 Representation and complaints received from Third Parties**

Complaints would normally be made by the person affected. Complaints made in writing by a third party will be given consideration at the discretion of the College. Students may opt to have another party/person representing them for the duration of the complaint, to do so they should give their express permission and make this clear to the College. However, students cannot then initiate the same complaint again with the College on their own if their representative has already exhausted the process. The College reserves the right to disengage, at any point, with the third party if they deem it appropriate.

## **6.9 Evidence**

The College expects the complainant(s) to fully co-operate once the process is instigated this may include providing appropriate evidence in a timely way and/or meeting with the staff investigating the complaint to enable the process to be as thorough and robust as possible. Failure to provide appropriate evidence within the timescale of the investigation is likely to impact on the investigation and outcomes reached. Where Stage 1 of the complaints process is concluded, and the complainant(s) request a review at Stage 2 based on new evidence this may not be valid if there is no good reason for the evidence not having been presented during Stage 1.

If considered necessary the College reserves the right to consult with other professionals, e.g. health practitioners, legal advisors etc. in order to ensure the complainant is dealt with appropriately.

## **6.10 Communication**

Communication between the complainant(s) and the College during the investigation of any complaint is expected to be undertaken as necessary and, for the College, against the given or agreed timescales. Communication from the complainant(s) is expected to be rational, logical and intended to add value to the complaints process. Communication that is repeatedly irrational, illogical or does not add value to the process may be disregarded or result in the complaint being terminated by the College (see malicious or vexatious complaints section).

## **6.11 Equality and Diversity**

When implementing the appeals procedure those responsible for doing so must have regard to operating the process fairly, without discrimination and to ensure equality of opportunity for any student affected. Due consideration to the College's Equality and Diversity Policy must be given.

## **7. Points of reference**

### **7.1 Related information**

This procedure should be read with reference to:

- University partner complaints policies
- University partnership agreements

- Equality and Diversity Policy
- HE Academic Appeals Policy
- University partner Academic Appeals policies
- The College's Assessment Framework
- Higher National Assessment Regulations

## 7.2 The UK Quality Code for Higher Education

The Quality Assurance Agency (QAA) expects that Higher education providers have 'fair and transparent procedures for handling complaints and appeals which are accessible to all students' (The Revised UK Quality Code for Higher Education, P3, March 2018)

This procedure has been written to reflect the guidance given in the QAA's [UK Quality Code for Higher Education](#).

## 8. Complaints Procedure

### 8.1 Raising a concern informally

Wherever possible the College encourages an early resolution to concerns to prevent them escalating to a formal complaint. The reasons for this are so that as little disruption as possible is caused to the complainant(s) and a mutually agreed outcome is put in place without the need for a formal, and possibly lengthy, complaints process. This process is often effective when there is little or no need for an investigation into the complaint or where the outcome the student is seeking is achievable outside of a formal process. Resolution, for example, may be achieved by an on-the-spot apology or rectification of an administrative error. Ideally a record should be made of any concerns made and resolved. Staff are expected to log records of any informal complaint with the central Complaints Team by email so the incident can be recorded centrally in case the same issue arises at a later date and becomes a formal complaint.

Where it is clear that an informal resolution cannot be reached, or is not appropriate, the student should be directed to the formal complaints process.

### 8.2 Making a formal complaint

#### ***Students studying with a partner university***

For students studying under collaborative arrangements with one of the College's university partners, complaints against non-academic decisions are normally made through the College in the first instance. Please refer to the checklist at the start of this document for further information about your university partner and how their complaints process relates to that of the College.

#### ***Timescales***

On receipt of a complaint the College will acknowledge the complaint as quickly as possible (allowing for any holiday periods) and launch an investigation. A full response is normally sent to the complainant(s) within 20 working days (this may be extended if the complaint is particularly complex or impacts on holiday periods).

#### ***How to lodge a complaint***

Formal complaints must be submitted in writing, this can be via email to [complaints@btc.ac.uk](mailto:complaints@btc.ac.uk), via the College's online complaints form ([via the website](#)), and/or by letter. Complaints received verbally will not be pursued unless there are exceptional circumstances and supporting evidence can be provided if requested.

### **8.3 Initial filtering of complaints**

Upon being received your complaint will review to ensure it is eligible to follow the College's HE Complaints Policy.

Complaints should include:

- a clear (and legible) description of the complaint and reasons for it,
- good evidence base,
- realistic expectations of the outcomes of the complaint.

If a complaint is deemed not to be eligible on grounds previously described, the complainant(s) will receive an explanation of why this is and will have the option to move to the review stage of the procedure providing new information/evidence that was previously unavailable for good reasons.

### **8.4 Advice and support**

Advice and support relating to a complaint being lodged by a student can be sought from the College's Student Union. If the student is under a collaborative partnership agreement, then the University's Student Union may be able to offer support. The HE Team can provide information about the College's HE Complaint Policy and how it operates.

### **8.5 Mediation and conciliation**

Mediation and conciliation approaches may be useful and used if consent is given from the parties involved in the complaint and, if used, will normally be during the Concerns and/or Stage 1 processes only. This will normally involve a member of staff from the College, trained in such methods, and will seek to explore the underlying causes for the complaint and whether it can be resolved more swiftly as a result. This is often particularly useful if there is a dispute between students.

### **8.6 Stage 1 – Formal Complaint**

If a complaint is deemed eligible to pursue by the College through the HE Complaints process then a formal investigation will be launched.

The investigation will be conducted by staff who are not immediately involved in the complaint and may include support from the HE Team to help ensure that due process is followed (assuming the complaint does not directly involve that team). The investigation may include meeting with the complainant(s), other students and staff either directly or indirectly related to the complaint. Only where necessary will details of the complaint be disclosed.

The investigation may also include the investigator(s) requesting additional evidence or further explanatory information to help substantiate the claims or allegations made in the complaint.

The investigator(s) will be given a target timescale within which to complete the investigation that normally complies with the timescales detailed in the complaints process. Where this is not possible, as it is apparent it may take some time to compile robust evidence or meet with particular people, this will be communicated to the complainant(s).

Once the investigation is complete the report and recommendations are made to the Complaints Administrator and a formal response will be made based on that information for the complainant(s). The response will include the complaints process and outline that they can elevate to the next stage applicable to them if the outcome is not satisfactory.

The student has 10 working days from the receipt of the outcome to elevate their complaint to Stage 2 – Review, if they are dissatisfied with the outcome from Stage 1 (unless their partner university policy specifies otherwise).

If the student does not elevate their complaint to Stage 2 (or does not do so within an acceptable timeframe of normally 10 working days) as they do not have grounds to, but still wishes to pursue their complaint, they can request a Completion of Proceedings (CoP) letter from the College. The CoP will then confirm that the College's internal proceedings have been exhausted and that the student can take up their complaint with the Office of the Independent Adjudicator (OIA). If the student does not request to move to Stage 2 within the College's timeframe the College will not automatically issue a CoP as the internal procedure has not yet been exhausted.

## **8.7 Grounds for review**

If the complainant(s) remain dissatisfied following the outcome of the Stage 1 process they can request a review.

There are specific grounds on which a review can be requested which are:

- That the procedures used during the Stage 1 were not appropriate, adhered to or there was a significant omission in process that can be evidenced.
- The complainant(s) believe the outcome was not reasonable.
- New evidence is available, that was not previously available for good reason, to support the complaint.

The review stage will not normally consider the complaint afresh, unless there is substantial new evidence that was not available previously (and for good reason that can be evidenced).

## **8.8 Requesting a review**

Any requests for a final review must be made in writing (via letter or email) to the College within 10 working days of the date of the formal outcome of the complaint from Stage 1. Requests received beyond 10 working days will not be accepted unless in exceptional circumstances they also provide compelling evidence of why it was not possible or reasonable to respond within the 10-working day limit.

If the student is enrolled under a partnership arrangement with a partner University it is likely that the student will need to move into direct communication with their University Partner to request a review, particularly where the complaint is in relation to academic standards and quality (in line with *'Delivering learning opportunities with others. Good Practice Framework'* March 2017 Office of the Independent Adjudicator (OIA)). There are some exceptions to this, for example where the complainant is dual enrolled with a partner university but the complaint is entirely about a college specific service possibly provided under a different contract, such as childcare, residential accommodation etc. in which case the College is likely to conduct any review necessary. Advice can be sought from the HE Team about whether it is the College or the relevant university who would conduct a review. This decision would be made in liaison with the relevant university on a case by case basis. It will be at the discretion of the University as to

whether they consider complaints elevated to them outside of the timescales given by the College. The College's HE Team can provide information and clarification of the procedures that apply in each case. They can be contacted via [he@btc.ac.uk](mailto:he@btc.ac.uk)

If a request for a final review is made after the deadline has passed without compelling evidence of why it was not possible to request the review within 10 working days, then where this is the final point of review and there is no recourse to the awarding institution, the College will issue a 'Completion of Procedures' letter which states the date upon which the final decision was reached on the complaint and will indicate timescales that are available to the student should they wish to pursue their complaint with the OIA.

### ***Guidance for College Staff – Completion of Procedures (CoP) Letter***

Refer to the section below for guidance.

## **8.9 Stage 2 – The review**

Once a request for review is received the Principal or his representative will determine whether it is eligible for review. If it is not, a response will be sent explaining why this is the case. If it is eligible for review by the College, the Principal or his representative will instigate the review and may appoint another member of staff, not involved in the first stage, to undertake the review. The review will be conducted as quickly as possible but normally within 20 working days. The Principal or his representative will then respond in writing explaining the outcome of the review. If the complaint is rejected, a 'Completion of Procedures' letter will be sent with the response as at this point the College has exhausted its complaints process.

If the complainant(s) remains dissatisfied with the outcome of the review and wishes to continue to pursue their complaint they can do so, assuming they have grounds. This may be through their University partner or, if they are students on the Higher National programmes to Pearson within 28 days of Stage 2 concluding at the College. However if this was the final stage of a complaint and the review stage has been completed with no further recourse to any awarding institution and a student still wishes to take their complaint further, they can do so.

In such circumstances, once in receipt of their 'Completion of Procedures' letter, they can take the matter further by contacting the OIA.

### ***Guidance for College Staff – Completion of Procedures (CoP) Letter***

CoP letters should only be provided at the *end* of the complaints process where the complaint has been rejected and the next step would be to appeal to the OIA. In line with the guidance in '*Delivering learning opportunities with others. Good Practice Framework*' March 2017 Office of the Independent Adjudicator, if a student has the right to request a review by their awarding university the College should not provide a CoP letter. This would only be issued by the university at the end of the process.

Guidance on the OIA website states: 'Once a student has completed the HE provider's internal complaints or appeals procedures, and the complaint or appeal is rejected, the HE provider must issue the student with a Completion of Procedures Letter promptly, and within 28 days. This letter should set out clearly what issues have been considered, what regulations have been used and the HE provider's final decision. The letter should also make reference to the OIA'. The OIA's review of a complaint will focus on this final decision.

When issuing a Completion of Procedures (CoP) letter the latest templates and guidance, available on the OIA website, should be consulted. There are different templates that should be followed where students are enrolled with a university partner or are enrolled on a HNC/D:

<http://www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx>

## **9. Office of the Independent Adjudicator (OIA) for Higher Education** ***Purpose of the OIA***

[The Office of the Independent Adjudicator for Higher Education \(OIAHE\)](http://www.oiahe.org.uk) operates an independent student complaints programme in accordance with the Higher Education Act 2004. All higher education institutions in England and Wales are required to comply with the Rules of the programme. The OIA is not a regulator; it handles individual complaints against higher education institutions and is a free service to students.

### ***How to lodge a complaint with the OIA***

Students who are dissatisfied with the outcome of their complaint may be able to complain to the OIA providing that their complaint is eligible under its Rules (these are on the [OIA website](http://www.oiahe.org.uk)).

Students will need to send to the OIA a completed [Complaint Form](#) within twelve months of the date of the Completion of Procedures letter (issued following the College completing the appeals process and/or review of appeal). Students should send a copy of their Completion of Procedures letter to the OIA with their completed Complaint Form.

### **References**

The following points of reference were considered in writing this policy: Office of Independent Adjudicator's (OIA) *The good practice framework for handling complaints and academic appeals*, December 2016. Available from <http://www.oiahe.org.uk/providers-and-good-practice/good-practice-framework.aspx>

Office of Independent Adjudicator's (OIA) *Delivering learning opportunities with others. Good Practice Framework* March 2017. [www.oiahe.org.uk/providers-and-good-practice/good-practice-framework/delivering-learning-opportunities-with-others.aspx](http://www.oiahe.org.uk/providers-and-good-practice/good-practice-framework/delivering-learning-opportunities-with-others.aspx)

Quality Assurance Agency (QAA) *The UK Quality Code for Higher Education*. May 2018. Available from <https://www.qaa.ac.uk/quality-code> [23 June 2020]